REMARKS

Reconsideration and allowance of the subject application are respectfully requested. Claims 1-13, 15 and 16 are all the claims currently pending in the application. In response to the Office Action, Applicant respectfully submits that the claims define patentable subject matter.

I. Overview of the Office Action

Claim 1 remains rejected on the ground of non-statutory obviousness-type double patenting as allegedly being unpatentable over claims 1 and 4 of U.S. Patent No. 7,483,523.

Claims 1-13, 15, and 16 remain rejected under 35 U.S.C. § 112, second paragraph as allegedly being incomplete for omitting essential structural cooperative relationships of elements.

Claims 1-7, 10, 15, and 16 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Danneels et al (U.S. Patent No. 5,663,951, hereafter "Danneels"), in view of *previously cited* Ishibashi et al, ("A Synchronization Mechanism for Continuous Media in Multimedia Communication", INFOCOM '95. Fourteenth Annual Joint Conference of the IEEE Computer and Communications Societies. Bringing Information to People. Proceedings. IEEE 2-6 April 1995 Page(s): 1010 - 1019 vol. 3, hereafter "Ishibashi") and *newly cited* Davies (U.S. Patent No. 7,043,749).[2]

[2] In the Amendment filed on September 10, 2010, Applicant noted that in the introductory paragraph of the rejection, the Examiner indicates that claims 1-7, 10, 15, and 16 are rejected based on Danneels and Davies. However, in the body of the rejection, claims 1-7, 10, 15, and 16 are rejected based on Danneels, Ishibashi, and Davies. Applicant requested that the Examiner clarify this discrepancy. The Examiner has failed to do so. Applicant again requests that the Examiner clarify this discrepancy in the next action.

Claims 8 and 9 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Danneels in view of Ishibashi and Davies, and further in view of Little et al. ("Network and Operating Systems Support for Digital Audio and Video: Proceedings, 5th International Workshop on Network and Operating Systems Support for Digital Audio and Video, Springer 1995", hereafter "Little").

Claims 11-13 remain rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Danneels in view of Ishibashi and Davies and further in view of Keshab et al. ("Digital Signal Processing for Multimedia systems", CRC Press 1999, pg. 245 and 274, hereafter "Keshab").

Applicant respectfully traverses the claim rejections.

II. Double Patenting Rejection

The Examiner has again rejected claim 1 on the ground of non-statutory obviousness-type double patenting as allegedly being unpatentable over claims 1 and 4 of U.S. Patent No. 7,483,523.

Since claim 1 of the instant application has not yet been indicated as allowable, and may change in subject matter, it is believed that any submission of a Terminal Disclaimer or arguments as to the non-obvious nature of the claims would be premature.

In the previous Office Action June 10, 2010, Applicant requested that the Examiner hold this rejection in abeyance, and allow Applicant to address any remaining non-statutory double patenting issues once the rejection of the claims under 35 U.S.C. § 103 are resolved.

However, on page 2 of the current Office Action, the Examiner states that the Double Patenting will not be held in abeyance. Applicant conducted a telephone interview with the

Examiner on January 11, 2011 in order to clarify this discrepancy, **and the Examiner indicated that the Double Patenting rejection will be held in abeyance**.

III. Claim Rejections under 35 U.S.C. § 112

The Examiner has maintained the rejection of claims 1-13, 15, and 16 (citing MPEP § 2172.01) under 35 U.S.C. § 112, second paragraph, as allegedly being incomplete for omitting essential structures.

In the September 10, 2010 Amendment, Applicant submitted that the claims do not omit any essential steps. For example, MPEP 2172.01 dictates that essential steps are steps "described by the applicant(s) as necessary to practice the invention". However, the Examiner, in citing MPEP 2172.01, did not indicate which allegedly omitted structural elements steps are allegedly disclosed by the specification to be essential to the invention.

In response, the Examiner now asserts:

> For clarity, in making the 112 rejection, Examiner was referring to the limitation '..a video link between these connection means and the video terminal of the first pair,..", etc. Examiner finds the "connection means for the setting up of…" self-referential e.g. '..a video link between these connection means..' etc.[3]

Applicant finds the Examiner's position extremely unclear. According to an exemplary embodiment, a computer is equipped with a processing device (D1) which consists of a link module (ML1) a dating module (MD1) and a processing module (MT1). The computer also includes a video application module (MAV1) coupled to the device (D1) so as to supply it with video data (see for example, page 6 of the specification). The link module (ML1) of the device is programmed to activate an audio link (L1) with a mobile terminal and a video link (L2) with

[3] The Office Action dated November 24, 2010 at page 3.

the video application module, in addition to audio and video links with a second device installed on a second computer (see for example, page 7 of the specification).

Applicant respectfully submits that no essential steps are omitted from the claimed invention. During the telephone interview conducted on January 11, 2011, Applicant also discussed the § 112, second paragraph, and clarified the claim language for the Examiner. The Examiner indicated that he now understands the claim language, and will reconsider the § 112, second paragraph, rejection upon receipt of Applicant's Response

Applicant further notes that the Examiner has again rejected dependent claim 2 because the phrase "their own" is allegedly indefinite. However, Applicant notes that the phrase "their own" was deleted in the previous Amendment filed on September 10, 2010. Accordingly, the Examiner is requested to remove the § 112, second paragraph, rejection of claim 2.

IV. Claim Rejections

Applicant respectfully submits that independent claim 1 is patentable because the cited references, alone or in combination, do not teach or suggest all of the features of the claim.

Independent claim 1 recites:

> Audio and video data processing device for multimedia communication, via an asynchronous network with random transmission times, between a first pair consisting of a first audio communication terminal and a first video communication terminal, a second pair consisting of a second audio communication terminal and a second video communication terminal , the said terminals being of the LAN type, where at least the first pair consists of independent and asynchronous terminals, and the processing device includes, in association with this first pair, connection means for the setting up of:
>
> a video link between these connection means and the video terminal of the first pair,

an audio link between these connection means and the audio terminal of the first pair,

a video link between these connection means and the second pair , and

an audio link between these connection means and the second pair ,

wherein the connection means synchronizes audio and video data according to a delay,

and wherein the video packets are transmitted without delay, and the audio packets are delayed for a predetermined time period.

In the September 10, 2010 Amendment, Applicant submitted that there is no teaching or suggestion in the cited references that "the video packets are transmitted without delay, and the audio packets are delayed for a predetermined time period", as recited in claim 1. Applicant submitted that, although the Examiner asserts that Davies allegedly teaches this feature of the claim, Davies appears to teach that both audio and video are delayed (see column 14, lines 32-37 and column 15, lines 48-50 of Davies). This clearly differs from the claimed feature where the video packets are transmitted without delay, and the audio packets are delayed for a predetermined time period.

In response, the Examiner maintains his position and now cites column 13, lines 30-35 in alleged support of the stated rejection. Applicant respectfully disagrees with the Examiner, and submits that Davies does not teach or suggest this feature of the claim.

Although not clear, the Examiner appears to assert that the claimed feature "the video packets are transmitted without delay", allegedly corresponds to the teaching by Davies that the delay added to any signal due to signal buffering is determined during development of the gateway, so that if the video signal is sent directly without passing through the gateway, the audio signals can be adjusted accordingly. However, the teaching by Davies appears to consider a case where the video signal is sent from a first video terminal 105 in a first multimedia terminal

to a second video terminal 105 in a second multimedia terminal 108 (see FIG. 1) without passing through gateway 101. However, this differs from the claimed invention where the video packets are transmitted without delay from the data processing device.

In other words, assuming *arguendo* that the claimed data processing device (PC1) corresponds to the gateway 101 of Davies and the claimed video terminal of the first pair corresponds to the first multimedia terminal 108 (which Applicant submits it does not), then the Examiner's assertion that the claimed "video packets are transmitted without delay" allegedly corresponds to the teaching that a video signal is sent directly without passing through the gateway, would equate to a teaching that a video signal (of the instant invention) is transmitted to a terminal (PC2) (of the instant invention) without passing through PC1, which would not be possible, since the video signal is sent from PC1. Therefore, if the video signal of Davies bypasses the gateway, then Davies cannot teach or suggest that the video packets are transmitted without delay (from the data processing device).

Further, Davies teaches a scenario where the video is buffered and processed in the gateway (column 14, lines 32-37).

Accordingly, Applicant respectfully submits that it is quite clear that Davies does not teach or suggest "the video packets are transmitted without delay, and the audio packets are delayed for a predetermined time period", as recited in independent claim 1.

Further, Applicant again respectfully submits that one of ordinary skill in the art would not have been motivated to combine Danneels, Ishibashi, and Davies in view of their diverse teachings and their different objectives.

First, Ishibashi relates to the continuous synchronization of master streams and slave streams (Ishibashi does not indicate what the two data streams represent) by delaying the arrival

of one of the streams. Ishibashi differs structurally from Danneels in that in the Ishibashi system the source comprises two or more terminals, and the destination comprises a single terminal, while in Danneels, the communication is between two single terminals. Accordingly, Danneels and Ishibashi do not complement each other.

Moreover, the two references teach away from each other in that Ishibashi teaches synchronizing the two data streams so that they arrive at a destination simultaneously (see section 3), while Danneels teaches delaying subsets of data packets so that they do **not** arrive at their destinations simultaneously (thus preventing overloading) (see column 1, lines 61-65 of Danneels). The references are directed to completely different objectives such that there is no reason to combine or modify their teachings in view of each other.

Further with respect to dependent claim 16, in the September 10, 2010 Amendment, Applicant submitted that there is no teaching or suggestion in the cited references that "the video data is transmitted from one of the first video communication terminal and the second video communication terminal to a receiving terminal one of the first video communication terminal and the second video communication terminal without delay, and the audio data is delayed by a predetermined time before being transmitted to a receiving audio communication terminal", as claimed.

Applicant noted that, although the Examiner broadly asserts that Danneels teaches the features of claim 16,[4] the Examiner provides no specific support in the cited reference for any of the elements of the claim.

[4] The Office Action at page 8.

In response, the Examiner ignored this aspect of Applicant's arguments. Nevertheless, Applicant respectfully submits that there is no teaching or suggestion in the cited references of the features of claim 16.

Further, Keshab and Little do not remedy the above-noted deficiencies of Danneels, Ishibashi, and Davies.

Accordingly, Applicant respectfully submits that independent claim 1 should be allowable because the cited references, alone or in combination, do not teach or suggest all of the elements of the claim. Claims 2-13, 15 and 16 should also be allowable at least by virtue of their dependency on independent claim 1.

V. Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

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